

STATE OF MICHIGAN
COURT OF APPEALS

In re M. PARKINSON, Minor.

UNPUBLISHED

March 17, 2015

No. 322444

Genesee Circuit Court

Family Division

LC No. 11-128077-NA

Before: BOONSTRA, P.J., and SAWYER and O'CONNELL, JJ.

PER CURIAM.

Respondent-father appeals by right a circuit court order terminating his parental rights to the minor child. We remand for further proceedings.

Petitioner sought termination of respondent's parental rights under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). The trial court found that § 19b(3)(j) had not been established, but did not indicate which of the remaining grounds it relied upon to terminate respondent's parental rights. Further, although the trial court's factual findings were not clearly erroneous, *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K), the court did not explain how those findings related to the elements of the remaining available grounds for termination. For example, the trial court did not identify conditions that led to the adjudication, MCL 712.19b(3)(c)(i), did not indicate what other conditions may have existed for purposes of MCL 712A.19b(3)(c)(ii), and did not expressly find that respondent failed to provide proper care or custody, MCL 712A.19b(3)(g). Although a trial court need not engage in "elaborate or ornate discussion" of its factual findings and conclusions of law, it should attempt to render the record "amenable to appellate review." *Foskett v Foskett*, 247 Mich App 1, 12; 634 NW2d 363 (2001); see also MCR 2.517(A)(2). Accordingly, we remand for clarification and articulation of the statutory ground(s) on which the trial court based its ruling. Should the trial court deem it necessary, it may in its discretion take additional evidence or articulate further findings of fact regarding the elements of each or any such ground.

Further, the trial court did not elaborate on its determination that termination of respondent's parental rights was in the child's best interests beyond the bare statement that the child "is entitled to permanency and stability and an ability to leave behind this chapter in his life and hopefully have nothing but positives in this future." Such a brief statement renders the record in this case inadequate for appellate review. Further, the record indicates that the child was placed with relatives at the time of termination; however the trial court did not make reference to this placement in making its determination. "A trial court's failure to explicitly

address whether termination is appropriate in light of the children's placement with relatives renders the factual record inadequate to make a best-interest determination and requires reversal." *In re Olive/Metts*, 297 Mich App 35, 43; 823 NW2d 144 (2012). Therefore, we remand for the trial court to articulate a best-interest analysis that is amenable to appellate review, including consideration of the child's placement with relatives. Again, should the trial court deem it necessary, it may in its discretion take additional evidence or make additional findings of fact on these issues.

Remanded for further proceedings consistent with this opinion. We retain jurisdiction.

/s/ Mark T. Boonstra

/s/ David H. Sawyer

/s/ Peter D. O'Connell

Court of Appeals, State of Michigan

ORDER

In re M Parkinson Minor

Docket No. 322444

LC No. 11-128077-NA

Mark T. Boonstra
Presiding Judge

David H. Sawyer

Peter D. O'Connell
Judges

Pursuant to the opinion issued concurrently with this order, this case is REMANDED for further proceedings consistent with the opinion of this Court. We retain jurisdiction.

Proceedings on remand in this matter shall commence within 56 days of the Clerk's certification of this order, and they shall be given priority on remand until after they are concluded. As stated in the accompanying opinion, we remand this case for the trial court to clarify and articulate the statutory ground(s) on which it based its ruling, and in its discretion take additional evidence or articulate further findings of fact regarding the elements of each or any such ground; we also remand for the trial court to articulate a best-interest analysis that is amenable to appellate review, including consideration of the child's placement with relatives. Again, should the trial court deem it necessary, it may in its discretion take additional evidence or make additional findings of fact on these issues.

The parties shall promptly file with this Court a copy of all papers filed on remand. Within seven days after entry, appellant shall file with this Court copies of all orders entered on remand.

The transcript of all proceedings on remand shall be prepared and filed within 21 days after completion of the proceedings.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 17 2015

Date


Chief Clerk